

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 32210.20.0

HAIRSINE

Application No.: 10/741,793

Examiner: WEIER, A.

Filed: December 19, 2003

Group Art Unit: 1761

For: METHODS AND DEVICES FOR AUTOMATICALLY MAKING LARGE QUANTITIES OF
PRE-COOKED EGGS HAVING A NATURAL APPEARANCE

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This communication is filed in response to the Office Communication of January 3, 2007, for which the unextended date for response is February 3, 2007. Applicants, through their attorney, elect with traverse the invention of Group I, Claims 1-26 and 55-71, drawn to a method for producing cooked eggs and further elect Species B, claims 5-11, 15-17, 21-26, 69 and 70, drawn to the method employing broken yolks.

Applicants respectfully traverse the restriction requirement and respectfully requests that all of the claims be examined as part of the prosecution of the present application. Applicants traverse the restriction/election requirement on the grounds that no serious burden on the Examiner exists. If the search and examination of an entire application can be made without serious burden, it must be examined on the merits even though it includes claims directed to distinct or independent inventions. M.P.E.P § 803. The subject matter of Groups I-IV are believed to be sufficiently related that a thorough search for the subject matter of any one group would encompass a search for the subject matter of all groups. To avoid duplicative examination by the Patent Office and unnecessary delay and expense to Applicants, Applicants respectfully request examination on the merits of the claims of Group I- Group IV.

Furthermore, Applicants submit that if a determination of an allowable generic claim is issued, for instance the determination of allowability of independent claims 1, 46, 55 and 71 in the present application, claims that are written in dependant form or otherwise include all the limitations of the allowed generic claim should be considered. M.P.E.P. § 809.02(c). Therefore, the Applicant respectfully requests that the Examiner consider rejoining the product claims of Group III upon a finding of allowability of the claims of Group I.

Finally, it is presumed by the Applicant that the election of species in the present response is for the sole purpose of the Examiner's initial search and examination, and that upon allowance of a generic claim, all species encompassed by that claim will then be examined. M.P.E.P. § 809.02(c). Therefore, Applicant respectfully requests that the search be conducted pursuant to this practice thereby providing for the inclusion of all species included in the generic claim and all claims dependent thereon.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

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Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 06-1910.